

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATASHA COBB,

Plaintiff,

CIVIL CASE NO. 04-40305

v.

BON SECOURS NURSING HOME,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court are Defendant's Motion for Attorney Fees, Motion for Costs, Motion to Dismiss, Motion Establishing Date by Which Plaintiff Must Pay Sanctions filed on July 12, 2005, Plaintiff's Motion to Dismiss, which this Court construes from Plaintiff's Letter filed on July 21, 2005, and the Report and Recommendation of the Honorable Virginia M. Morgan, United States Magistrate Judge. The Magistrate Judge recommends that this Court dismiss this action with prejudice, that the motion for additional costs and attorney's fees be denied, and that Plaintiff pay previously ordered sanctions of \$3,270.70. The Magistrate Judge served the Report and Recommendation on all parties on September 22, 2005 and notified the parties that any objections must be filed within ten days of service. Accordingly, any objections should have been filed by approximately October 10, 2005. Neither party filed objections to the Report and Recommendation.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v.*

Birkett, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the Report and Recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 24] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendant’s Motion for Attorney Fees, Motion for Costs, Motion to Dismiss, Motion Establishing Date by Which Plaintiff Must Pay Sanctions filed on July 12, 2005 [Docket Entry 18] and Plaintiff’s Motion to Dismiss, which this Court construes from Plaintiff’s Letter filed on July 21, 2005 [Docket Entry 20] are **GRANTED IN PART** and **DENIED IN PART**, consistent with the Report and Recommendation.

IT IS FURTHER ORDERED that this action is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff must pay the previously ordered sanctions of **\$3,270.70** within **thirty (30) days** of the filing of this order.

SO ORDERED.

Dated: November 10, 2005

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on November 10, 2005 , I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

_____ ,
and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Natasha Cobb; Anthony J. Paradiso; Robert J. Toy.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845